



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**June 14, 2004**

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**SUBJECT:**           **2004-0340 – Metro PCS** [Applicant] **Chang Palki and Okyong Trustees** [Owner]: Application for a 29,225 square-foot site located at **958 and 962 East El Camino Real** in a C-2/PD (Highway Business/Planned Development) Zoning District. (APNs: 313-02-034 and 009)

Motion                   Special Development Permit to allow the co-location of three roof-mounted wireless telecommunications antennae and related ground equipment.

**REPORT IN BRIEF**

**Existing Site Conditions**           Hotel and Adjacent Vacant Lot

**Surrounding Land Uses**

North	Apartment Complex and Mixed Commercial Uses
South	Single-Family Homes
East	Mixed Commercial Uses
West	Mixed Commercial Uses

**Issues**                   Location of Ground Equipment  
Aesthetics

**Environmental Status**           A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with Conditions



**PROJECT DATA TABLE**

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>REQUIRED/ PERMITTED</u></b>
<b>General Plan</b>	Highway Business /Planned Development	Same	N/A
<b>Zoning District</b>	C-2/PD	Same	N/A
<b>Lot Size (s.f.)</b>	Total: 29,225 958 El Camino: 20,875 962 El Camino: 8,350	Same	No minimum lot area
<b>No. of Buildings</b>	1	Same	N/A
<b>Building Height (ft.)</b>	42'-3"	48'-1"	75' max.
<b>No. of Stories</b>	3	Same	8 max.
<b>Setbacks (facing prop.) of Ground Equipment</b>			
• <b>Front</b>	N/A	146'-4"	70' min.
• <b>Left Side</b>	N/A	0'	No min.
• <b>Right Side</b>	N/A	40'	No min.
• <b>Rear</b>	N/A	5'	No min.

**ANALYSIS****Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
1997-0385	Plan modification and Sprint PCS facility	Miscellaneous Plan Permit/Approved	4/4/97

In addition, a building permit was approved on March 13, 1998 allowing Nextel to install 12 panel antennae on the roof of the hotel. No planning permit history was found for the addition of these antennae. Staff is in the process of investigating this issue.

**Description of Proposed Project**

The applicant proposes to co-locate three wireless telecommunications antennae on the roof of an existing hotel. A faux chimney would be placed on the roof of the building to screen the new antennae.

Two other telecommunications carriers currently have antennae on the roof of the building (see site photos in Attachment 5). All existing antennae are screened or hidden from view.

Three ground-equipment cabinets necessary for the antennae to function would be installed on the southeast corner of the adjacent vacant lot at 962 East El Camino Real. The ground equipment would be screened with an 8-foot high wooden fence for aesthetics and to minimize noise.

The applicant has submitted a radio-frequency emissions report indicating compliance with FCC standards.

**Environmental Review**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

**Special Development Permit**

**Use:** The proposed use is for a third provider to co-locate three wireless telecommunications antennae on an existing hotel. The proposed antennae would be located on the roof of the building and screened with a faux chimney. The chimney would increase the height of the building from 42'-3" to 48'-1". Related ground equipment would be installed on the southeast corner of the adjacent vacant lot and screened with an 8-foot high wooden fence.

**Site Layout:** The proposed antennae would be located on the roof of the existing building. The related ground equipment would be located in a 150 square-foot area in the southeast corner of the adjacent vacant lot, approximately 147 feet from the front property line, and 5 feet from the rear property line to avoid a 5-foot wide public utility easement. The location of the ground equipment was selected to be located as far as possible from the streetscape of El Camino Real, and as far as possible from the existing building to allow for future building expansion.

The following Guidelines were considered in analysis of the project site design.

<b>City-Wide Design Guidelines V. Service Facilities</b>	<b>Comments</b>
<i>A3. Fully screen all service facilities from the public street and adjoining properties.</i>	The proposed antennae would be fully screened by a faux chimney and related ground equipment would be screened by a wooden fence.
<i>A4. Screening devices shall have a similar design and material to the main structures on the site, and shall be incorporated into the site design of the project.</i>	The faux chimney would be constructed of stucco and painted to match the existing building. The wooden fence would match an existing wooden fence located along the property line of the adjacent vacant lot.
<i>B1. Avoid locating mechanical equipment in front setback areas between the public street and buildings.</i>	The proposed antennae would be located on the roof of the building and related ground equipment would be located in the rear of the adjacent vacant lot.
<i>B2. Locate mechanical equipment far enough from adjacent properties to not cause a noise problem. Noise level at the property lines may not exceed 60 dBA.</i>	The maximum noise level of the ground equipment contained in equipment cabinets and measured 3 feet from the cabinets was 54 dBA, which is below the maximum allowable noise limit for the proposed project.

**Architecture:** The proposed faux chimney would match the existing material (stucco) and color (beige) of the exterior walls of the building. The wooden fence screening the ground equipment would match the existing wooden fence located along the property line of the adjacent vacant lot.

### **Transportation Impact Fee**

No transportation impact fee is required for the proposed project.

### **Compliance with Development Standards**

The following sections of the Wireless Telecommunication Ordinances of the Sunnyvale Municipal Code apply to the proposed project:

19.54.140(a) – Wherever technically feasible, wireless telecommunication service providers are encouraged to co-locate telecommunication facilities in

order to reduce adverse visual impacts; however; the city discourages the development of “antenna farms” or the clustering of multiple antennae on a single monopole, tower or other elevation, unless the site is determined to be suitable based on the following factors:

- (1) Compliance with all FCC RF emission standards;

*This project meets all FCC RF emissions standards.*

- (2) Visibility from residentially zoned property;

*This project is not noticeably visible from residentially zoned properties.*

- (3) Visibility from El Camino Real or the right of way of a freeway, expressway or other major arterial street;

*With screening, neither the antennae nor the ground equipment would be visible from El Camino Real. The project site is not located near a freeway, expressway or other major arterial street.*

- (4) Visibility from the Downtown Specific Plan area or other areas declared by the Director of Community Development to be visually sensitive; and

*This project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.*

- (5) Lack of aesthetically preferable feasible alternatives.

*The project site was selected for its proximity to an existing Metro PCS network. The proposed antennae would be camouflaged with a faux chimney that blends with the architecture of the existing building, and the ground equipment would be screened with a wooden fence which matches an existing wooden fence on the project site; therefore, there would be no negative visual impact on the project site or on the surroundings.*

### **Expected Impact on the Surroundings**

No negative impacts on surrounding properties are expected. Screening proposed for the roof antennae and the ground equipment is visually compatible with existing structures on the project site. Ground equipment would not exceed 54 dBA as measured 3 feet from the equipment cabinet, which is below the maximum allowable limit of 60 dBA.

**Findings, General Plan Goals and Conditions of Approval**

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Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

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<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 44 notices mailed to property owners and tenants within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

**Alternatives**

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1. Adopt the Negative Declaration and approve the Special Development Permit with attached conditions.
2. Adopt the Negative Declaration and approve the Special Development Permit with modified conditions.
3. Adopt the Negative Declaration and deny the Special Development Permit.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

**Recommendation**

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Alternative 1

Prepared by:

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Christine Cannizzo  
Project Planner

Reviewed by:

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Fred Bell  
Principal Planner

Reviewed by:

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Trudi Ryan  
Planning Officer

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Negative Declaration
4. Site and Architectural Plans
5. Site Photos



**Recommended Findings - Special Development Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The Wireless Telecommunications Policy promotes retention of local zoning authority when reviewing telecommunication facilities. The zoning code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed facility is compliant with all wireless telecommunication development standards:
  - The project meets all FCC RF emissions standards:
  - The project is not visible from residentially zoned properties.
  - The project is not visible from any major arterial streets, freeways or expressways.
  - The project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.
  - The proposed antennae would be camouflaged and the ground equipment would be screened from view; therefore, there would be no negative visual impact on the project site or on the surroundings.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

The proposed project would improve wireless telecommunications services available in the community. In addition, the proposed antennae meet the visual standards established by the city for telecommunication facilities in that they would be located on the roof of a building and camouflaged with a faux chimney designed to blend architecturally with the building. The ground equipment would be screened to maintain noise levels below the allowed maximum limit and to hide the equipment from public view.

**Recommended Conditions of Approval - Special Development Permit**

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. Submit for Building Permits prior to construction/installation activity.
2. Any major modifications or expansion of the approved use shall be approved at a separate public hearing by the Director of Community Development. Minor modifications shall be subject to approval by the Director of Community Development.
3. Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least every five (5) years from the date of initial approval.
4. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Administration.
5. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
6. The owner or operator of any facility shall obtain and maintain current at all times a business licenses issued by the city.
7. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
  - (a) Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers an FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.

- (b) Name, address and telephone number of a local contact person for emergencies.
  - (c) Type of service provided.
8. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
  9. Each facility shall be opened in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekend nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
  10. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
  11. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city of any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordination in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
  12. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants mean any solid, liquid, fumes, acids, alkalis, chemicals,

electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.

13. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennae, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.